

## CERTIFICATE OF MAILING (37 CFR 1.8)

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I hereby certify that this paper is being deposited with the United States Postal Service as first class mail under 37 CFR 1.8 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, DC 20231.

Julie K. Lyons, Legal Assistant

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Julie K Lyons

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit : 1626  
Examiner : R. Gerstl  
Applicant(s) : MF Gordeev, GW Luehr, DV Patel, Z-J Ni, and E Gordon  
Serial Number : 09/641,396  
Filed : 17 August 2000

For : Oxazolidinone Combinatorial Libraries, Compositions and  
Methods of Preparation

Commissioner of Patents and Trademarks  
Washington, DC 20231

## TRANSMITTAL OF A RESPONSE TO A NON-FINAL ACTION (37 CFR 1.111)

Sir:

Transmitted herewith is a reply and/or amendment in the above-captioned application in response to the Examiner's action dated November 1, 2001.

- ☒ [X] The reply and/or amendment is being filed under 37 CFR 1.8 and the required Certificate of Mailing appears above.
- ☐ [ ] An additional fee in the amount of \$ is required for the amended claims presented and has been calculated as shown in the attached sheet.

Please charge Deposit Account No. 21-0718 in the amount of the additional fee above, or such greater or lesser amount of excess fees for claims as the Commissioner determines is required by law. Triplicate copies of this sheet are enclosed.

**EXTENSION OF TIME.** In the event this paper is not filed prior to the time set for response, applicant(s) hereby petition for an extension of the period for filing the attached reply and/or amendment to the date of filing this paper, and hereby authorize the Commissioner to charge the extension fee as may be required by 37 CFR 1.17, to Deposit Account No. 21-0718. If for any

reason the extension requested above is insufficient to extend this period to the date of this paper, applicant(s) hereby petition for the revival of the above-captioned application as having been unintentionally abandoned and authorize the Commissioner to charge the required fees under 37 CFR 1.17 to Deposit Account No. 21-0718.

Respectfully submitted,



Stephen L. Nesbitt, Attorney  
Registration No. 28,981

Date: 2/1/02

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Enclosures:

Reply/Amendment

☐ Calculation of Additional Fees for Amended Claims

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**PATENT** Docket No. 6270.N DV1  
Serial No. 09/641,396  
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Commissioner of Patents and Trademarks  
Washington, DC 20231

**RESPONSE UNDER 37 C.F.R. 1.111**

Sir:

The following remarks are responsive to the Office Action dated November 1, 2001.

Claims 1-6 and 44-54 are pending in the application.

Restriction to one of the following inventions is required under 35 U.S.C. §121:

- I. Claims 1-6, drawn to a method, classified in class 548, subclass 139;
- II. Claims 44-48, drawn to a method, classified in class 548, subclass 141;
- III. Claims 49-53, drawn to a method, classified in class 548, subclass 163;
- IV. Claim 54, drawn to a method, classified in class 548, subclass 192.

Applicants provisionally elect Group II, e.g., claims 44-48, with traverse. In traversing the restriction requirement, Applicants note that Groups II, III, and IV are related. Indeed, Groups II, III, and IV are directed to methods of producing oxazolidinone compounds described in claim 16. The claimed methods of each group include steps for attaching a compound to a resin via an imine linkage. The imine is formed by reacting the compound with a carbonyl substituent of the resin. See claims 45, 46, 49, and 54. In Group IV and claim 46, an amine is reacted with the carbonyl substituent of the resin to form the imine. On the other hand, claim 45 of Group II and Group III recite that the imine is formed by reacting

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Rev. 5/1999